

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

IN ADMIRALTY

ARC CONTROLS, INC.

VERSUS

CASE NO. 1:19-cv-00391-LG-RHW

**M/V NOR GOLIATH, *IN REM*, AND
GOLIATH OFFSHORE HOLDINGS, PTE. LTD.**

VERIFIED COMPLAINT IN INTERVENTION

COMES NOW, through undersigned counsel, C-Mar America, Inc. (“C-Mar”) and International Marine & Engineering Services Jersey Limited (“IMES”) and file this Verified Complaint against the M/V NOR GOLIATH, her engines, machinery, tackle, and appurtenances, apparel, etc. *in rem*, in causes of breach of maritime contract and foreclosure of maritime liens, and in support hereof respectfully represents as follows:

Jurisdiction and Venue

1. This is an admiralty and maritime claim within the meaning of 28 U.S.C. §1333, Rule 9 (h) of the Federal Rules of Civil Procedure, and the Federal Maritime Lien Act, 46 U.S.C. §31301, *et seq.* C-Mar is entitled to intervene as of right according to Rule 24(a) of the Federal Rules of Civil Procedure and Local Admiralty Rule E(3)(a).

2. Venue is proper as the M/V NOR GOLIATH is now or will be within this District and within the jurisdiction of this Court during the pendency of process hereunder.

Parties

3. Plaintiff-Intervenor C-MAR America, Inc. is a duly organized and validly existing corporation under the laws of the State of Texas with its principal place of business located at 2000 S. Dairy Ashford, Suite 465, Houston, Texas 77077. C-MAR America, Inc. provided crew to the M/V NOR GOLIATH between July and August 2019.

4. Plaintiff-Intervenor International Marine & Engineering Services Jersey Limited is a duly organized and validly existing corporation under the laws of the United Kingdom with its principal place of business located at Pirouet House, Union Street, St. Helier, Jersey C.I. International Marine & Engineering Services Jersey Limited provided crew to the M/V NOR GOLIATH between July and August 2019.

5. Defendant *in rem* is the M/V NOR GOLIATH, a 180-meter long steel hulled industrial crane vessel registered in the Marshall Islands bearing IMO Registration No. 9396933 that is now or will be during this action within this District and the jurisdiction of this Court.

Facts

6. At the request of Epic Companies, LLC (“EPIC”) and/or the owner or charterer of the M/V NOR GOLIATH or its authorized agent, C-Mar and IMES provided crew including the master, chief officer, chief engineer, and other officers and seamen to the M/V NOR GOLIATH commencing July 1, 2019. Copies of C-Mar’s and IMES’ invoices for the crew provided and crew expenses incurred are attached *in globo* as Exhibit A. C-Mar and IMES reserve the right to amend and supplement their claims to include additional ongoing and accruing unpaid invoiced amounts.

7. The foregoing pre- and post-arrest crew services provided by C-Mar and IMES to the M/V NOR GOLIATH were necessary for the operations of the vessel, and have a total value in the

principal amount of Three Hundred Ninety-Two Thousand Six Hundred Twenty-One and 30/100 Dollars (\$392,621.30) and as well in the further amounts of additional invoices that have been, or may become issued, for crew wages and crew services rendered to the M/V NOR GOLIATH (exclusive of interest, costs, and attorney's fees), none of which has been paid despite amicable demand.

8. EPIC has failed to make payments to C-Mar or IMES for such crew services.

9. As shown by the attached Verifying Affidavit, the foregoing allegations are true and correct and within the admiralty jurisdiction of this Court.

10. Pursuant to the general maritime law and the Federal Maritime Lien Act, C-Mar and IMES have one or more maritime liens against the M/V NOR GOLIATH totaling \$392,621.30, plus additional ongoing and accruing amounts due, pre-judgment and post-judgment interest, costs, attorney's fees, and collection expenses.

11. Pursuant to the provisions of the Federal Maritime Lien Act, C-Mar and IMES are entitled to have this Court recognize their lien(s) against the M/V NOR GOLIATH and are entitled additionally to judgment against the vessel in the full amount of their claims, plus interest, costs and attorney's fees.

12. As a result of EPIC's refusal to pay C-Mar and IMES the sums owed as aforementioned, C-Mar and IMES are entitled to judgment against the M/V NOR GOLIATH in the amount of their claims, plus attorney's fees, interest and costs; her engines, tackle and apparel, and to have the M/V NOR GOLIATH seized and sold by the United States Marshal or other person authorized by the Court to satisfy these claims and said liens asserted herein by C-Mar and IMES. C-Mar and IMES further aver they are entitled to the first monies received from said seizure and

sale following satisfaction of the expenses of the legal administration of the vessel while *in custodia legis*.

Prayer

WHEREFORE, Intervenor, C-Mar America, Inc. and International Marine & Engineering Services Jersey Limited pray that citation be issued and served upon the M/V NOR GOLIATH, her engines, tackle and apparel, in the form and manner prescribed by law and that, all persons claiming interest in said vessel may be cited to appear and answer the matters aforesaid, and that, after due proceedings are had, judgment be entered against the M/V NOR GOLIATH and in favor of C-Mar America, Inc. and International Marine & Engineering Services Jersey Limited in the sum of \$392,621.30 and all additional sums due, plus interest, costs and attorney's fees.

C-Mar America, Inc. and International Marine & Engineering Services Jersey Limited further pray that the M/V NOR GOLIATH, her engines, tackle and apparel, be seized, condemned and sold to pay such sums, and for such other general and equitable relief as this Honorable Court deems proper.

Respectfully submitted this 12th day of August 2019.

/s/ Michael J. Thompson, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2019, I electronically filed the foregoing with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

/s/ Michael J. Thompson, Jr.